# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA

FILED
2016 May-31 PM 01:12
U.S. DISTRICT COURT



•	s . Y J	25 - 1 - N 1	NOTICE TO FILING PARTY	•
Inmate Identification Number:  LARRY EARL RENO # 112580			It is your responsibility to notify the clerk in writing of any address change.	
	er above s action	e the full name of the plaintiff	Failure to notify the clerk may result in dismissal of your case without further notice.	
		VS.		
Lo	THER	STRANGE, ATTORNEY GENERAL	CA-19-H2-0840-#	
		STATE OF ALABAMA		
13A	et j	HARMON, ASST. ATTORNEY GENERI	<del>}</del>	
		STATE OF ALABAMA		
	r above s action	e full name(s) of the defendant(s)		
I.	Previ	ious lawsuits		
	A.	Have you begun other lawsuits in state or for same facts involved in this action or otherw Yes (×) No ()	. **	
	В.	If the answer to (A) is "yes," describe each than one lawsuit, describe the additional lawsame outline.)	lawsuit in the space below. (If there is more wsuit(s) on another piece of paper, using the	
		1. Parties to this previous lawsuit:	•	
		Plaintiff: LARRY EARL T	REND #112580	-
	,	Defendant(s): LUTHER STRAN	160, ATTORNEY BENERAL, STATE OF	-

ALABAMA - BART HARMON, ASST. ATTORNEY GENERAL

,	•	2.	Court (if Federal Court, name the district; if State Court, name the county)
			UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ALABAMA
		3.	Docket number 7:12-61-02534- RBP_JEO
		4.	Name of judge to whom case was assigned John E. OTT, UNITED STATES
			MAGISTRATE JUDGE - ROBERT B. PROAST, UNITED STATES DISTRICT JUDGE.
		5.	Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) CASE DISMISSED FOR FAILURE TO STATE A CLAIM UPON
			WHICH RELIEF MAY BE GRANTED, PURSUANT TO 28 U.S.C. \$ 1915 A(b)
		6.	Approximate date of filing lawsuit
		7.	Approximate date of disposition MARCH 27, 20/3
II.	Place	of pres	ent confinement BIBB COUNTY CORRECTIONAL FACILITY
	A.	Is the Yes	re a prisoner grievance procedure in this institution?  ( ) No $(\chi)$
ı	B.	-	ou present the facts relating to your complaint in the state prisoner grievance dure? Yes ( ) No ( $\chi$ )
	C.	If you	er answer is YES:
		1.	What steps did you take?
		. 2.	What was the result?
	D.	If you	r answer is NO, explain why not: Nor Applicable
		i	
		***************************************	·

A.	Name of Plaintiff(s) LARRY EARL RENO # 112580
	Address 565 BIBB LANE - BIBB CO. CORRECTIONAL FACILITY
	BRENT, ALABAMA 35034
the s	em (B) below, place the full name of the defendant in the first blank, his official position in econd blank, and his place of employment in the third blank. Use Item (C) for the names, ions, and places of employment of any additional defendants.
В.	Defendant LUTHER STRANGE
	Is employed as STATE ATTORNEY GENERAL
	at OFFICE OF ATTORNEY GENERAL, SOI WASHINGTON AND, MONTGOM
C.	Additional Defendants BART HARDWOOD ASST. ATTORNEY GOVERN
C.	Additional Defendants BART HARMON, ASST. ATTORNEY GENERAL
C.	Additional Defendants BART HARRYSON, ASST. ATTORNEY GENERAL, OFFICE OF ATTORNEY GENERAL, SON WASHINGTON AVE., MONTGOMEN, ALA. 3
C.	,
C.	,
	,
State State nvol egal	ment of Claim  here, as briefly as possible, the FACTS of your case. Describe how each defendant is ved. Include also the names of other persons involved, dates and places. Do not give any arguments or cite any cases or statues. If you intend to allege a number of related claims,
State State nvol egal numb	ment of Claim  here, as briefly as possible, the FACTS of your case. Describe how each defendant is ved. Include also the names of other persons involved, dates and places. Do not give any
State State nvol egal numb extra	ment of Claim  here, as briefly as possible, the FACTS of your case. Describe how each defendant is ved. Include also the names of other persons involved, dates and places. Do not give any arguments or cite any cases or statues. If you intend to allege a number of related claims, per and set forth each claim in a separate paragraph. Use as much space as you need. Attack
State State nvol egal numb extra	ment of Claim  here, as briefly as possible, the FACTS of your case. Describe how each defendant is ved. Include also the names of other persons involved, dates and places. Do not give any arguments or cite any cases or statues. If you intend to allege a number of related claims, her and set forth each claim in a separate paragraph. Use as much space as you need. Attack sheets, if necessary.  Please See Complaint Attached Hereto.
State State nvol egal numb extra	ment of Claim  here, as briefly as possible, the FACTS of your case. Describe how each defendant is ved. Include also the names of other persons involved, dates and places. Do not give any arguments or cite any cases or statues. If you intend to allege a number of related claims, per and set forth each claim in a separate paragraph. Use as much space as you need. Attacksheets, if necessary.

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AIS# 1/2580

# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHETEN DISTRICT OF ALABAMA

LARRY	EARL RENO
·	PLAINTIFF,

15.

COMPLANT
CINIL ACTION NO.

BUTHER STRANGE, ATTORNEY

BENERAL, STATE OF ALABAMA,

BART HARMON, HSSISTANT

ATTORNEY BENERAL,

DOFENDAMIS.

# JURISDICTION And VENUE

D. THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. SECTION
1983 TO REDRESS THE DEPRIVATION, UNDER COLOR OF SIMTE LAW,
OF RIGHTS SECOND BY THE CONSTITUTION OF THE UNITED STATES.
THE COURT HAS TURISDICTION UNDER 28 U.S.C. SECTION 1331 AND
1343 (1) (1). PLANTIFF SECKS DECLARATION RELIEF DURSUANT TO
AB U.S.C. SECTION 2201 AND 2202. PLAINTIFFS CLAIMS FOR
INJUNCTION RELIEF ARE AUTHORIZED BY 280.3.C. SECTION
2283 AND 2284 AND RULE 65 OF THE FEDERAL RULES
OF COUL PROCEDURE.

CE THE STATE OF ALBRAMA, AND IS DECALLY BESTELLS  FOR THE CLARALL OPERATIONS OF THE OFFICE OF ARTONALY  GENERAL.  3) DEFENDING BOOT FRAMEN IS THE ASSISTANT ARTONALY GENERAL  HIND IS LEGARLY RESPONSIBLE FOR HIS MONORS AS BY ROUNCATE  OF THE STATE.  4) ENEW DEFENDING IS SHED ENDINDUNKY AND HIS OFFICIAL  CAPACITY. AT ALL TIMES MENTINGS OF STATE LAW.  DEFENDING HOTER UNDER THE COLOR OF STATE LAW.  FROTE IN CHRENILL BUSINESS TORREST FRAMEN ASSISTANT.  RITERALLY GENERAL BUSINESS ALEND COURT, AND FLOOR METHOD  FEX. RECICLOSED. THE MOTION STATES IN PART (PO T. 2. 3. 35 T.)  1. "BECAUSE THE CLARAS" IF "THEY KIND BE DELICATED IN  H' POLE 32 DETITION, STAND BE DECCEDICATED BARRED AS  STEEMING FROM ALL CUSTOMERY DETITION."  CASE NO. CV-2010-2301	FOR THE EXERNAL EXPERSIONS OF THE OFFICE OF MITTERING  CENTERLS.  3) DETERMINE BUT HERMON IS THE ASSISTANT APPRAISE GENERAL  HIND IS LEGALLY RESPONSIBLE FOR HIS ACTIONS AS AN ADVOCATE  OF THE STITE.  4) EACH DETERMINE IS SUED INDIVIDUALLY AND IN HIS OFFICIAL  CAPACITY HE ALL TIMES MENTIONED IN THIS COMPANIE, EACH  DEFENDANT HORE OUNDER THE COLOR OF STATE LAW.  S) FUBBUREY 22, 2011— DETERMINE FIRE THREE IN ASSISTANT.  ATTERIORY GENERAL BENTAMIN ALBERTAIN RESPONDED TO A PATTICIAL  FACTS ON CONTRY CIRCUIT COURT, AND FILED A MOTION  FILED IN SCHERA BON COUNTY CIRCUIT COURT, AND FILED A MOTION  FER BELLESS THE CLAIMS "IF THEY HAND BELLE DESERVED IN  H. RULE 32 PETITION, WOULD BE PRECEDUALITY BARRED AS  STEEMING FROM AN CONTRACTY PETITICAL	2) DEFENDANTS LUTHER STRANGE IS THE ATTERMY GENERA
General.  3) Derendul Bort Hormon 15 THE MISSISTANT ATTORNEY GENERAL  HAND IS LEGATLY RESPONSIBLE FOR HIS ACTIONS AS AN ADVOCATE  OF THE STATE.  4) EACH DEFENDANT IS SUED INDUIDUALLY AND IN HIS OFFICIAL  CAPACITY. HI ALL TIMES TRENSIONED IN THIS COMPLAINT, EACH  DEFENDANT ACTED UNDER THE COLOR OF STATE LAW.  FROTS IN CHRENILL GICAL ORDER.  5) FORDINARY 22, 2011— DEFENDANT STRANGE THEORY A PETTINAL  LEDINGTERER SEN COUNTY CREWIT COURT, AND FILED A MOTION  [EX. A ENGLOSE]. THE MOTION STATED IN DAMF (PO # 2, 3 at # 1)  I. BERNEY THE CLAYINS, "IF" THEY HAND BEEN DRIESENTED IN  H. RULE 32 PETTINAL, MOULD BE DREES DEFENDING BAKEED AS  STEEMING FROM AN COMMENT PETTING.	Beneral.  3) Derendant Bort Harmon Is The Assistant Recording General Hold is Legally Responsible for his Actions As All Advocate Of the Smile.  4) EACH DETENDANT IS BUT INDUIDUALLY AND IS HIS OFFICIAL CAPACITY. HE ALL TIMES MENTIONS IN THIS COMPLAIN, EACH DEFENDANT ACTED UNDER THE COLOR OF SMILL LAW.  5) FOBJURARY 22, 2011— DEFENDANT STRANGE THRUSH ASSISTANT ATTORNY GENERAL BUTTANIA ALBRITCH RESPONDED TO A DEFINION FILD IN SERFER SON COUNTY CREVIT COURT, AND F. LED A MOTION (EX. A ENCLOSED). THE MOTION STATES IN DART (PG. " 3, 3 at # 1)  1. Because the Claims, "IF" THEY HAD BEEN DRESHIFTED IN H Rule 32 PETITION, WOULD BE DRECH DWEATED AS STEEMING FROM AN CONTINELY PETITION."	OF THE STATE OF ALABAMA, AND IS LEEALLY RESPONSIBLE
3) DEFENDANT BOOT HARMON IS THE MISSISTANT ATTORNLY GENERAL  HAID IS LEGATLY THE SPONSIBLE FOR HIS ACTIONS AS AN ADVOCATE  OF THE STORE.  4) EACH DEFENDANT IS SHED INDIVIDUALLY AND IN HIS OFFICIAL  CAPACITY HIT ALL TIMES MENTIONED IN THIS COMPRANT EACH  DEFENDANT ACTO UNDER THE COLOR OF STOTE LAW.  5) FORWARY 22, 2011— DEFENDANT STRANGE THINKS HESSISTANT  ATTERNY GENERAL BUSTAMUS ALBRITAN PROSPEROTO A POTTAGE  FILD IN SELFER SON COUNTY CROWN COURT, AND FILED A MOTION  [EX. A ENCLOSED]. THE MOTION STRANGE PLANT (PG # 3,3 at #4)  IN ROLE 32 POTTAGE WALL BUSTAMUS BE PROCEED WITHING BARRON AS  STEEMING FROM AN CULTIMELY POTTAGES.	Description Book Advanced 15 THE ASSISTANT ASSOCIATE GENERAL  Had is Legally Responsible for his Acrons As AN ADVOCATE  OF THE STORE.  4) EACH DEFENDANT IS BUT DENDIN, DUNCLY AND IN HIS OFFICIAL  CAPACITY, AT ALL TIMES MENTIONED IN THIS COMPLAINT, EACH  DEFENDANT ACRED UNDER THE CONTR. OF STORE LAW.  FROTS IN CHRENIL BISH OF STORE PERSONNER HASSISTANT.  ASTERMY GETHERAL BUSINAMIN ALBRITON RESPONDED TO A PETRICAL  FIRE ON SELFCE SON COUNTY CHECK, PARK (PC # 2,3 at # 1)  Because the Claims "IF" THEY HAD BEEN DRESSINED IN  H. Rule 32 PETRICAL, MONDO BE PROCEDUCARLY BARRED AS  STEEMING FROM AN CULTURAL PETRICAL.	FOR THE CURRALL OPERATIONS OF THE OFFICE OF ATTORNEY
Had IS LEGALLY RESPONSIBLE FOR HIS MOTIONS AS AN ADVOCATE  OF THE STATE.  4) EACH DEFENDANT IS SHED TUDING DUALLY AND IN HIS OFFICIAL  CAPACITY. AT ALL TIMES MENTIONED IN THIS COMPLAINT, EACH  DEFONDANT ACTED UNDER THE COLOR OF STATE LAW.  FROTS IN CHRONILL GICAL ORDER.  5) FORDWARY 22, 2011— DEFENDANT STRANGS THROUGH ASSISTMAT.  ATTERNY GETTERAL BUTTAMUM ALBRITTEN RESPONDED TO A POTTION  FILD IN TELEFOR SON COUNTY CIRCUIT COURT, AND FILED A MOTION  [EX. A ENCLOSED]. THE MOTION STATED IN DART (PO. # 3,3 at # 4)  1. BECAUSE THE CLAIMS, "IF" THEY HAND BEEN DRISENTED IN  A RULE 32 PETITION, WOULD BE PROCEDURALLY BARRED AS  STEEMING FROM AN OUTLINELY PETITION."	HAID IS LOGARLY RESPONSIBLE FOR HIS ACTIONS AS AN ADVOCATE OF THE STATE.  4) EACH DEFENDANT IS SUED TUDOU DUALLY AND IN HIS OFFICIAL  CAPACITY. AT ALL TIMES MENTIONED IN THIS COMPLAINT, EACH  DEFENDANT ACTED UNDER THE COLUR OF STATE LAW.  5) FEBRUARY 22, 2011— DEFENDANT STRANGE THREE A ASSISTANT.  ATTERNEY GENERAL BENJAMIN ALBRITTEN RESPONDED TO A PETTION  END IN TELEFOR SEN COUNTY CARRY COURT, AND FILED A MOTION  [EX. A ENCLOSED]. THE MOTION DIALES IN DARF (PG. # 3,3 at # 4)  1. "BECAUSE THE CLAIMS, "IF" THEY HAND BEIN DESCRIBED IN  H. RULE 32 PETITUM, WOULD BE PROCEDULATING BARRED AS  STEEMING FROM AN ONTINELY PETITION"	GENLEAL.
Had IS LEGALLY RESPONSIBLE FOR HIS MOTIONS AS AN ADVOCATE  OF THE STATE.  4) EACH DEFENDANT IS SHED TUDING DUALLY AND IN HIS OFFICIAL  CAPACITY. AT ALL TIMES MENTIONED IN THIS COMPLAINT, EACH  DEFONDANT ACTED UNDER THE COLOR OF STATE LAW.  FROTS IN CHRONILL GICAL ORDER.  5) FORDWARY 22, 2011— DEFENDANT STRANGS THROUGH ASSISTMAT.  ATTERNY GETTERAL BUTTAMUM ALBRITTEN RESPONDED TO A POTTION  FILD IN TELEFOR SON COUNTY CIRCUIT COURT, AND FILED A MOTION  [EX. A ENCLOSED]. THE MOTION STATED IN DART (PO. # 3,3 at # 4)  1. BECAUSE THE CLAIMS, "IF" THEY HAND BEEN DRISENTED IN  A RULE 32 PETITION, WOULD BE PROCEDURALLY BARRED AS  STEEMING FROM AN OUTLINELY PETITION."	Had is LEGALLY RESPONSIBLE FOR HIS ACTIONS AS AN ADVOCATE OF THE STATE.  4) EACH DEFENDANT IS SHED TUDIOLOGICALLY AND IN HIS OFFICIAL CAPACITY. AT ALL TIMES TRENTIONED IN THIS COMPLAINT, EACH DEFENDANT ACTED UNDER THE COLOR OF STATE LAW.  5) FORWARY 22, 2011— DEFENDANT STRANGE THROUGH ASSISTANT ATTORNEY GETIERAL BENTAMIN ALBRITON RESPONDED TO A POTATION FILD IN SCHERAL BENTAMIN ALBRITON RESPONDED TO A POTATION  [EX. A ENCIOSED]. THE MOTION STATED IN DART (PG # 3,3 at # )  1. BECAUSE THE CLAIMS, "IF" THEY HAN BEEN DROSENTED IN  A RULE 32 POTATION, WOULD BE PROCEDURALLY BARRED AS  STREEMING FROM AN OUTLINELY PETATION."	3) DEFENDANT BOOT HARMON IS THE MISSISTANT ATTORNEY GENERAL
4) EACH DEFENDANT IS SEED INDIVIDUALLY AND IS OFFICIAL  CAPACITY. AT ALL TIMES MENTIONED IN THIS COMPRAINT, EACH  DEFENDANT ACTED UNDER THE COLOR OF STATE LAW.  FROTS IN CHRONOLOGICAL ORDER  5) FOBOVARY 22, 2011— DEFENDANT STRANG THROUGH ASSISTANT  ASTORNEY GENERAL BONJAMIN ALBRITON RESPONDED TO A POTITION  FILD IN SELFER SON COUNTY CIRCUIT COURT, AND FILED A MOTION  [EX. A ENCLOSED]. THE MOTION STREET HAD BEEN PROSENTED IN  A ROLE 32 PETITIAN, WOULD BE PROCEDURALLY BARRED AS  STEEMING FROM AN OUTWARDLY DETITION.	4) EACH DETENDANT IS SEED INDIVIDUALLY AND IN HIS OFFICIAL  CAPACITY. AT ALL TIMES MENTIONED IN THIS COMPRAINT, EACH  DEFENDANT ACTED UNDER THE COLOR OF SIME LAW.  FROTS IN CHRONOLOGICAL ORDER  5) FOBOLOGY 22, 2011— DEFENDANT STRANG THROUGH ASSISTANT  ASTORNOY GETIERAL BENJAMIN ALBRITON RESPONDED TO A PETITION  FILD IN SCRIER SON COUNTY CIRCUIT COURT, AND FILED A MOTION  [EX. A ENCLOSED]. THE MOTION STREET HAD BEEN PROSENTED IN  A ROLE 32 PETITION, WOULD BE PROCEDURALLY BARRED AS  STEEMING FROM AN OUTMELY DETITION.	Had IS LEGALLY RESPONSIBLE FOR HIS ACTIONS AS AN ADVOCATE
CAPACITY. AT ALL TIMES MENTIONED IN THIS COMPLAINT, EACH  DEFENDANT MORED UNDER THE COLUR OF SMITE LAW.  FROTS IN CHRONOLOGICAL ORDER  FROTS IN CHRONOLOGICAL ORDER  5) FOBRUARY 22, 2011— DEFENDANT STRANGE THROUGH ASSISTMOST  ASTORNEY GENERAL BENJAMIN ALBRITTON RESPONDED TO A PETITION  FILD IN JOHAN SON COUNTY CIRCUIT COURT, AND FILED A MOTION  [EX. A ENCLOSED]. THE MOTION STRANDIN DART (PG. # 3,3 at # 4)  1. "BECAUSE THE CLASIMS, "IF" THEY HAD BEEN DRISENSED IN  14 Role 32 PETITICAL, WOULD BE DROCK DURALLY BARRED AS  STOCKMING FROM AN ONTIMELY PETITION.	CAPACITY. AT ALL TIMES MENTIONED IN THIS COMPLAINT, EACH  DEFENDANT MORED UNDER THE COLOR OF SMIE LAW.  FROTS IN CHRONOLOGICAL ORDER  5) FOBRUARY 22, 2011— DEFENDANT STRANGE THROUGH ASSISTMUT.  ATTORNEY GENERAL BENJAMIN ALBRITON RESPONDED TO A POTITION  FILD IN JEFFER SON COUNTY CIRCUIT COURT, AND FILED A MOTION  [EX. A ENCLOSED]. THE MOTION STRAD IN DART (PG. # 2,3 at # 4)  1. "BECAUSE THE CLASIMS," IF" THEY HAND BEEN DECENTED IN  14 Role 32 PETRICAL WOULD BE PROCEDURALLY BARRED AS  STOCKMING FROM AN ONTIMELY DETAILST.	OF THE STATE.
CAPACITY. AT ALL TIMES MENTIONED IN THIS COMPLAINT, EACH  DEFENDANT MOTED UNDER THE CONCR OF SMITE LAW.  FROTS IN CHRONOLOGICAL ORDER  FROTS IN CHRONOLOGICAL ORDER  3) FOBRUARY 22, 2011— DEFENDANT STRANGE THROUGH ASSISTMUT  ATTORNEY GENERAL BENJAMIN ALBRITTON RESPONDED TO A PETITION  FILED IN STELLE R SON COUNTY CIRCUIT COURT, AND FILED A MOTION  [EX. A ENCLOSED]. THE MOTION DITATO IN DART (PG. # 3,3 at # 4)  1. "BECAUSE THE CLASIAS, "IF" THEY HAD BEEN DRESONDED IN  H RULE 32 PETITION, WOULD BE DECCEDERALLY BARRED AS  STOCKMANG FROM AN ONTIMELY DETAILS."	CAPACITY. AT ALL TIMES MENTIONED IN THIS COMPANIT, EACH  DEFENDANT MORED UNDER THE COLOR OF SIMIL LAW.  FROTS IN CHRONOLOGICAL ORDER  5) FOBRUARY 22, 2011— DEFENDANT STRANGE THROUGH ASSISTANT.  ATTORNEY GENERAL BENJAMIN ALBRITON RESPONDED TO A PETITION  FILD IN SCHOOL ROW COUNTY CIRCUIT COURT, AND FILED A MOTION  [EX. A ENCLOSED]. THE MOTION STREET IN DART (PG. # 2.3 at # 4)  1. "BECAUSE THE CLASIMS, "IF" THEY HAND BEEN DRESENTED IN  14 Role 32 PETITION, WOULD BE PROCEDURALLY BARRED AS  STOCKMING FROM AN OUTLINELY DETITION.	
CAPACITY. AT ALL TIMES MENTIONED IN THIS COMPLAINT, EACH  DEFENDANT ACTED UNDER THE COLUR OF SMILLAW.  FROTS IN CHRONILL GICAL ORDER  FROTS IN CHRONILL GICAL ORDER  5) FEBRUARY 22, 2011— DEFENDANT STRANGE THROUGH ASSISTMOST  ATTORNEY GENERAL BENJAMIN ALBRITTON RESPONDED TO A PETITION  FILED IN JEKTER SON COUNTY CIRCUIT COURT, AND FILED A MOTION  [EX. A ENCLOSED]. THE MOTION STREET IN DART (PG. # 3,3 at # 4)  1. "BECAUSE THE CLASIMS, "IF" THEY HAND BELL DRISENTED IN  H. RULE 32 PETITICAL, WOULD BE PROCEDURALLY BARRED AS  STOCKMING FROM AN ONTIMELY PETITION.	CAPACITY. AT ALL TIMES MENTIONED IN THIS COMPLAINT, EACH  DEFENDANT ACTED UNDER THE COLUR OF SMIE LAW.  FROTS IN CHRONOLOGICAL ORDER  FROTS IN CHRONOLOGICAL ORDER  5) FOBRUARY 22, 2011— DEFENDANT STRANGE THROUGH ASSISTMUT.  ATTORNEY GENERAL BENJAMIN ALBRITTON RESPONDED TO A POTITION  FILED IN SCHOOL SON COUNTY CIRCUIT COURT, AND FILED A MOTION  [EX. A ENCLOSED]. THE MOTION STREED IN DART (PO. # 2,3 at # 1)  1. "BECAUSE THE CLAIMS, "IF" THEY AND BEEN DECENTED IN  H. Role 32 PETITICAL, WOULD BE DECCEDERALLY BARRED AS  STOCKMING FROM AN ONTIMELY DETAILS."	4) EACH DEFENDANT 13 SUED INDIVIDUALLY AND IN HIS OFFICIAL
DEFENDANT ACTED UNDER THE COLUR OF STATE LAW.  FACTS IN CHRONILL SICAL ORDER  5) FEBRUARY 22, 2011— DEFENDANT STRANGE THROUGH ASSISTANT  ATTORNEY GENERAL BENJAMIN ALBRATION RESPONDED TO A PETATION  FILED IN TELFER SON COUNTY CIRCUIT COURT, AND FILED A MOTION  [EX. A ENCLOSED]. THE MOTION STATES IN DART (PG. # 3,3 at #4)  1. "BECAUSE THE CLAVARS," IF" THEY HAD BEEN DRIVENTED IN  H. RULE 32 PETHICAL, WOULD BE PROCEDURALLY BARRED AS  STEEMING FROM AN CUSTIMELY PETATION."	DEFENDANT ACTED UNDER THE COLUR OF STATE LAW.  FROTS IN CHRONILL SICAL ORDER  5) FOBRUARY 22, 2011 — DEFENDANT STRANGE THROUGH ASSISTANT  ATTORNEY GENERAL BENJAMIN ALBRATION RESPONDED TO A PETATION  FILED IN TELFER SON COUNTY CIRCUIT COURT, AND FILED A MOTION  [EX. A ENCLOSED]. THE MOTION STATED IN DART (P. # 3,3 at #4)  1. "BECAUSE THE CLAYINS," IF "THEY HAD BEEN DRISENTED IN  H. RULE 32 PETHICAL, WOULD BE PROCEDURALLY BARRED AS  STOCKMING FROM AN CUSTIMELY PETATION."	
FACTS IN CHRONOLOGICAL ORDER  5) FOBRUARY 22, 2011— DEFENDANT STRANGE THROUGH ASSISTMAT  ATTORNEY GENERAL BENJAMIN ALBRATION RESPONDED TO A POTITION  FILD IN SCHELR SON COUNTY CIRCUIT COURT, AND FILED A MOTION  [EX. A ENCLOSED]. THE MOTION STATES IN DART (PG. # 2, 3 at # 4)  Because the Claims, "IF" THEY HAD BEEN DRESENTED IN  A Role 32 Desired, Would Be Drece DURALLY BARRED AS  STOCKMING FROM AN CUSTIMELY DETITION."	FACTS IN CHRENILL GICAL ORDER  5) FEBRUARY 22, 2011— DEFENDANT STRANGE THROUGH ASSISTMAT  ATTORNEY GENERAL BENJAMIN ALBRATION BESTONDED TO A DETITION  ENDIN SELFER SON COUNTY CIRCUIT COURT, AND F. LED A MOTION  [EX. A ENCLOSED]. THE MOTION STRES IN DART (PG. # 2,3 at # 4)  Because the Claims, "IF" THEY AND BEEN DRESENTED IN  A Role 32 DETITION, WOULD BE DRESE DURALLY BARRED AS  STOCKMING FROM AN UNTIMELY DETITION."	•
ATTORNEY GENERAL BENJAMIN ALBRITON RESPONDED TO A DETITION  FILL DIN TEFFER SON COUNTY CIRCUIT COURT, AND FILED A MOTION  [Ex. A ENCLOSED]. THE MOTION STATED IN DART (PG. # 3, 3 at # 1)  1. "BECOME THE CLAIMS, "IF" THEY HAD BEEN PRESENTED IN  A Role 32 DETITION, WOULD BE PRECEDURALLY BARRED AS  STEEMING FROM AN ONTIMELY PETITION."	ATTORNEY GENERAL BENJAMIN ALBRITON RESPONDED TO A DETITION  FILE DIN TEFFER SON COUNTY CIRCUIT COURT, AND FILED A MOTION  [Ex. A ENCLOSED]. THE MOTION STATED IN DART (PG. # 3, 3 at # 4)  1. "BECAUSE THE CLAIMS, "IF" THEY HAD BEEN PRESENTED IN  14 Role 32 DETITION, WOULD BE PRECEDURALLY BARRED AS  STEEMING FROM AN ONTIMELY PETITION."	
ATTORNEY GENERAL BENJAMIN ALBRITON RESPONDED TO A DETITION  FILL DIN TEFFER SON COUNTY CIRCUIT COURT, AND FILED A MOTION  [Ex. A ENCLOSED]. THE MOTION STATED IN DART (PG. # 3, 3 at # 1)  1. "BECOME THE CLAIMS, "IF" THEY HAD BEEN PRESENTED IN  A Role 32 DETITION, WOULD BE PRECEDURALLY BARRED AS  STEEMING FROM AN ONTIMELY PETITION."	ATTORNEY GENERAL BENTAMIN ALBRITON RESPONDED TO A DETITION  FILED IN JEFFER SON COUNTY CIRCUIT COURT, AND FILED A MOTION  [Ex. A ENCLOSED]. THE MOTION STATED IN DART (PG. # 3, 3 at #4)  BECOME THE CLAIMS, "IF" THEY HAD BEEN PRESENTED IN  H. RULE 32 DETITION, WOULD BE PRECEDURALLY BARRED AS  STEEMING FROM AN UNTIMELY PETITION."	**************************************
[EX. A ENCLOSED]. THE MOTION STATED IN PART (PE# 2,3 at #6)  [EX. A ENCLOSED]. THE MOTION STATED IN PART (PE# 2,3 at #6)  1. "BEENUSE THE CLAIMS, "IF" THEY HAD BEEN PRESENTED IN  H. RULE 32 PETITICAL, WOULD BE PROCEDURALLY BARRED AS  STEEMING FROM AN ONTIMELY PETITICAL."	[EX. A ENCLOSED]. THE MOTION STATED IN DART (PE # 2,3 at # 6)  1. "BEENUSE THE CLAIMS, "IF" THEY HAD BEEN DRESENTED IN  1. Rule 32 DETILIEN, WOULD BE DROCK DURALLY BARRED AS  STOCKHING FROM AM ONTIMELY DETITION.	5) FEBRUARY 22, 2011 - DEFENDANT STRANGE THANKEH ASSISTAN
[Ex. A ENCLOSED]. THE MOTION STATES IN DART (PG.# 2,3 at # 6)  BEENUSE THE CLAIMS, "IF" THEY HAD BEEN PRESENTED IN  A ROLE 32 PETNICAL WOULD BE PROCEDURALLY BARRED AS  STOCKHILLE FROM AN UNTIMELY PETNICAL.	[Ex. A ENCLOSED]. THE MOTION STATED IN DART (PG. # 3,3 at #4)  BECOMES THE CLAIMS, "IF" THEY HAD BEEN PRESENTED IN  H. RULE 32 PETITICAL, WOULD BE PROCEDURALLY BARRED AS  STREMING FROM AN ONTIMELY PETITICAL.	ATTORNEY GENERAL BUNJAMIN ALBRITON RESPONDED TO A DETIT
1. Rule 32 Pernical, Would Be PROCEDURALLY BARRED AS STREMING FROM AN ONTIMELY DETITION.	1. "BECOUSE THE CLAIMS, "IF" THEY HAD BEEN DRESENTED IN 14 RULE 32 PETITION, WOULD BE PROCEDURALLY BARRED AS  STEEMING FROM AN ONTIMELY DETITION.	FILEDINISEFFERSON COUNTY CIRCUIT COURT, AND FILED A MOTIO
14 Rule 32 Permind, Would BE PROCEDURALLY BARRED AS	19 Rule 32 Pernical, Would Be PROCEDURALLY BARRED AS	[Ex. A ENCLOSED]. THE MOTION STATE IN DART (PE. # 2, 3 at # 4)
STOCHING FROM AN ONTINELY DETITIONS	STOEMING FROM AN ONTINELY DETITION.	BECONSE THE CLAIMS, "IF" THEY AND BEEN DRESENTED 1
STOCHING FROM AN ONTINELY DETITIONS	STOEMING FROM AN ONTINELY DETITION.	A Rule 32 Permical, Would Be Decemberally BARRED As
CASE NO. CV-2010-2301	CASE NO. CV-2010-2301	N)
		STOCHING FROM AN ONTINELY DETITION.
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	•
		•
		•

(a) JUNE 24, 2011 — PLAINTIFF FILED A DETITION FOR WRIT OF
HARREAS CORPUS IN BIBB COUNTY CIRCUIT COURT, THE PROPER
COURT OF JURISDICTION, And IN COMPLIANCE WITH THE
Applicable Laws And BULES GOVERNING THE FILINGS...
PURSUANT TO THE CODE OF ALA. 1975, TITLE 15.
CASE NO. CV-11-35.

"HABERS CORPOS WAS THE ONLY AVAILABLE DEDCEDURE PLAINTIFF HAD TO CHARLENGE THE LEGALITY OF HIS DETENTION AND EMPRISONMENT. RULE 32 PETITION WAS DREVIOUSLY REJECTED BY THE STATE AS TIME-BARRED.

TOLY 21, 2011 \_ BIBB CIRCUIT COURT ISSUED AND ORDER [Ex. 8]

JUNICH STATED. . . THE RECORD INDICATES THE STRATTER INVOLVES

A PETITION FOR HARBERS CORPUS RELIEF REMINST THE ALABAMA

DEPT. OF CORRECTIONS And HABERS PETITION WAS CROCKED.

TRANSFERRED TO MONTGOINERY COUNTY CIRCUIT COURT.

"PETITION WAS CONFIRMED AS HABERS PETITION BY THE

ORIGINAL COURT OF TURISDICTION."

8) ANGUST 9, 2011 - MONITGOMENY CROWN COURT ISSUED AN ORDER SEX. C) SETTING THE CASE FOR HEARING ON OCTUBER 19, 2011.
CHSE NO. CV-11-907

9) DETO BER 17, 2011 \_ DEFENDANTS STRANGE And HARMON, WHILE IN THEIR OFFICIAL CAPACITY AS ADVUCATES OF THE STATE, And While ONDER THE COLOR OF STATE LAW, FILED A MOTION IN THE MONTEUMERY CIRCUIT COURT TO DISMISS HOBEAS DETITIONS OR IN THE ALTERNATIVE, CONVERT TO A RULE 32 DETITION AND TRANSFER TO JEFFERSON COUNTY CIRCUIT COURT EX. D. 10) OCTOBER 27, 2011 - MONTGOMERY CIRCUIT COURT GRANTED THE STATES MOTICAL AND CONVENTED HABENS DELITION TO AN IMPROPER TIME-BREED RULE 32 DETITION [Ex. 6] THAT THE STATE HAD PREVIOUSLY REJECTED AS TIME - BARRED. 11) JUNE 2012 \_ JEFFERSON CO. CIRCUIT COURT DISMISSED RULE 32 PETITION AS TIME BARRED EXISTED. PRE-DETERMINED BY THE STATE ON FEBRUARY 27, 2011. CASE NO. CC-08-376.60 LIGAL CLAIMS 12) UNDER SECTION 2254(C) OF HABERS CORPUS PROCEEDINES, A DOTITICALER HASTHE PRIGHT UNDER THE LAWS OF THE STATE TO RAISE, BY ANY AVAILABLE DRUCEDURE, THE QUESTION

- 13) PRISONERS HAVE A FUNDAMENTAL CONSTITUTIONAL RIGHT
  TO USE THE COURT SYSTEM, And THIS RIGHT IS BASED ON
  THE 187,54, And 144 AMENDMENTS TO THE U.S. CONSTITUTION.
  THIS RIGHT ALLOWS THE RIGHT TO FILE A HABEAS DETITION.
- 14) FEBRUARY 2011 EX. A \_ STATE REJECTS RULE 32 PETITION AS TIME-BARRED.

  OCTOBER 2011 EXSD-E HABERS DETITION IS CONVERTED

  TO A TIME-BARRED DETITION.
- (15) THE DEFENDANTS ACTIONS SHOW A FUNDAMENTALLY UNFAIR

  OR IMPROPER EVENT. IT IS AN INSTANCE OF <u>PLAIN OR</u>

  FUNDAMENTAL ERROR BY DEFENDANTS THAT VIOLATES

  PLAINTIEFS 1<sup>ST</sup>, 5<sup>ST</sup>, And 14<sup>ST</sup> AMENDMENTS TO THE U.S.

  CONSTITUTION THAT GUARANTEES THE RIGHT TO ACCESS THE COURTS.
- 16) WHEN HABERS PETITION WAS CONVERTED TO A TIME BARRED PETITION, PLANTIFF WAS DEPRIVED OF HIS RIGHT TO HABERS CORPUS PROCEEDINGS, AND WAS DEPRIVED OF THIS RIGHT TO A FACT FINDING EVIDENTIANY HENRING NECESSARY TO PRIVE AND ESTABLISH THE FACTS OF HIS CLAIMS OF ILLEGAL DETENTION AND IMPRISONMENT. IT IS A VIOLATION OF PLANTIFFS DUE PROCESS' RIGHTS, 144 AMONDMENT, THAT GUARANTEE'S

FEDERAL COURT.

20) SINCE BECOMING HUMBE OF RELEVINIT FACE PERTAINING TE THE LEGACITY OF PLAINITEE AMS DILIGENTY PURSUSONIMENT IN JUIC OF ZUIQ PLAINITEE HAS DILIGENTY PURSUSONIMENT HIS RIGHTS TO HAVE HIS CLAINS HEARD IN STAIL AND

19) THE VIOLATIONS OF DEALINITIES 125 & And 144 AMEROMENTS

, 2 31 KTZ 0 5711 LIV

18) PLAINTIEF WAS ENTITIED TO A HERRING ON HABERS CORPUS

IN COTOBOR 2011 (SEE EX. C) PLAINTIEF WAS DEPONED

THE DEFENDANTS THE FUNDAMENTALLY UNIS DEPONED

THE DEFENDANTS THE CONSTONING OF THE

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THE PLAIN OR FUNDAMENTAL CROOKS OF BEFORDATS

MONTGOMERY CE, TO CONVERT HARMS POTITION TO AN

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THE DEPANDENT OF PANISTIPS SIGNES GOVERN SPORTERS BY

- 21) AFTER MORE THAN 5 YEARS OF DILIENTLY PURSUING
  THIS MATTER, NO COURT OF DAW HAS REACHED THE
  MERITS OF PLAINTIFFS CLAIMS... NO COURT OF DAW
  HAS AUSWERED PLAINTIFFS FEDERAL QUESTIONS OF
  THE LEGALITY OF DETENTION And IMPRISONMENT.
- 22) THE VIOLATIONS OF PLAINTIFFS CONSTITUTIONAL RIGHTS

  CAUSED BY DEFENDANTS, IN THEIR OFFICIAL CAPACITY

  And WHILE UNDER THE COLOR OF STATE LAW HAS

  CAUSED PLAINTIFF TO SUFFER ERREPARABLE HARM

  And THIS HARM IS CONTINOUS And ONLOWING.
- 23) THE PLAINTIFF HAS NO PLAIN, ADEQUATE, OR COMPLETE

  BEDDEDY AT LAW TO BEDRESS THE WRONGS DESCRIBED

  HEREIN. PLAINTIFF HAS BEEN And WILL CONTINUE TO

  BE IRREPARABLY INJURED BY THE CONDUCT OF

  THE DEFENDANTS UNLESS THIS COURT GRANTS THE

  DECLARATORY AND INJUNCTIVE RELIEF WHICH PLAINTIFF

  SEEKS.

# PRAYER FOR RELIEF

- 24) WHERE FORE, PLAINTIFF RESPECTFULLY PRAYS THAT THIS COURT ENTER JUDGEMENT GRANTING PLAINTIFF:
- 35) A DECKARATION THAT THE ACTS And OMISSIONS DESCRIBED HEREIN VIOLATED PLAINTIFFS RIGHTS UNDER THE CONSTITUTION And LAWS OF THE UNITED STATES,
- 26) A DRELIMINARY AND DERMANENT INJUNETION ORDERING DEFENDANTS butten STRANGE, ATTURNEY GENERAL, STATE OF ALABAMA, And BART HARMUN, ASSISTANT ATTORNEY GENERAL TO CORRECT THE CONSTITUTIONAL VICLATIONS CHUSED BY THE PLAIN OR FUNDAMENTALLY UN FAIR ERRORS OF THE DEFENDANTS WHICH CAUSED THE DEPRIVATION OF PLANTIFFS BIGHTS OF ACCESS TO THE COURTS. THE DEPRIVATION OF PLAINTIFFS RIGHTE TO HABONS CORPUS PROCEEDINGS, WINICH DEPRINGS PLAINTIEF OF HIS RIGHT TO A FACT FINDING EUIDENTIARY HEARING NECESSARY TO PROVE And ESTABLISH HE'S CLASMS OF ILLEGAL DETENTION And Imprisonment, And TO FURTHER ORDER THAT PLAINTIFF IS ENTITLED TO HABEAS CORPUS MAUCEZDINES.
- 27) ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST PRUPER And EQUITABLE.

DATED: MAY 26, 2016
RESPECTAVLY SUBMITEDS

316NATURE: Larry E. RAND

LARRY EARL REALD #112560

565 BIBB LANE

BRENT, ALABAMA 35034

. I, LARRY EARL RELIO # 112580 HERCBY CERTIFY

ONDER DENALTY OF DEETURY THAT ALL THE FORESOING

15 TRUE AND CORRECT.

EXECUTED ON THIS THE Ab DAY OF MAY 2016.

SIGNATURE: Sarry E. Remo

LANNY EARL REDU #112580

565 BIBB LANE

BREWT, ALA. 35634

## IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

LARRY EARL RENO, AIS# 112580		"EX. A"
Petitioner,	)	
v.	) CASE NO. CV-2010-2301	
CHRIS SHARIT, DAVID M. BARBER, et al.	) )	
Respondents.	) )	

# **MOTION TO DISMISS**

Comes now the Respondent, David M. Barber, former Jefferson County District Attorney, by and through undersigned counsel, Assistant Attorney General Benjamin H. Albritton, and hereby moves to dismiss the August 19, 2010 pleading styled "\*Pursuant to The Code of Ala. 1975 Title 15 'PLAINTIFF PETITION FOR THE ISSUANCE OF WRIT OF HABEAS CORPUS' § 15-21-24 through § 15-21-34" filed by Larry Earl Reno. While styled as a petition for a writ of habeas corpus, the petition actually seeks post-conviction relief pursuant to Ala.R.Crim.P. Rule 32, and is due to be dismissed. Grounds for dismissal, are set forth below.

- The Petition fails to state a claim upon which the relief sought can be granted. × 1.
- Larry Earl Reno was convicted of the offense of robbery 1st on June 10, 2008. 2. Upon information and belief of the undersigned, this conviction was never appealed and the petitioner never sought post conviction relief.
- 3. In the petition before this Court, ostensibly styled as a Petition For Writ Of Habeas Corpus, Reno argues that his conviction and resulting sentence are void due to an alleged error regarding his (indictment) and, for this reason, asks this Court to order that he be immediately released from prison.

\* NOTHING IS EVER ALLEGED RECARD. AL AN ERROR OF INDICTMENT.

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OF DEPOSITION

SCHOOL OF IN DIRECTLY

Demon

- 4. Regardless of its style, Reno's "\*Pursuant to The Code of Ala. 1975 Title 15 'PLAINTIFF PETITION FOR THE ISSUANCE OF WRIT OF HABEAS CORPUS' § 15-21-24 through § 15-21-34" (seeks post-conviction relief under Ala.R.Crim.P. Rule 32) and is due to be dismissed.
- It is clear that, regardless of the style given it by Reno, the substance of Reno's 5. petition seeks relief under Ala.R.Crim.P. Rule 32, and asserts nonjurisdictional claims that could have been raised at trial or on appeal. "The substance of a motion and not its style determines what kind of motion it is." Boykin v. Law, No. 1041058, 2006 WL 307826, at \*5 (Ala. Feb. 10, 2006). Reno cannot proceed in this manner. ("A habeas corpus petition cannot be used as a HONDUES NOT APPEAR ANGTHINGS) substitute for an appeal." Brooks v. State, 615 So. 2d 1292, 1292 (Ala. Crim. App. 1993). "A petition for a writ of habeas corpus cannot be used to circumvent the requirements of Rule 32." Salter v. State, 606 So. 2d 209, 211 (Ala. Crim, App. 1992), cert. denied, No. 1911735 (Ala. Oct. 23, 1992) (emphasis in original). "A proceeding under...[Rule 32] displaces all post-trial remedies except post-trial motions under Rule 24 and appeal. Any other post-conviction petition DOES NOT SEER RELIEF From CONVICTION OR seeking relief from a conviction or sentence shall be treated as a proceeding under this rule." Ala.R.Crim.P. Rule 32.4. That the petition is, in actuality, a Rule 32 petition, rather than a petition filed under Alabama Code (1975) §§ 15-21-4 and 15-21-6, is supported by the fact that Reno has filed this petition, in this Court -- the court of his conviction -- rather than the county in which he is incarcerated, Bibb County. See, e.g., Roberts v. State, 516 So. 2d 936, 937 (Ala. Crim. App. 1987) (dismissing unverified habeas petition under § 15-21-4); State v. Corley, 831 So. 2d 59, 60 (Ala. Crim. App. 2001) (proper venue for habeas petition under § 15-21-6 was county where petitioner was incarcerated).
  - Accordingly, this Court need not even address the plain lack of merit of Reno's claims. Rather, the petition itself should be dismissed, because the claims, if they had been

presented in a Rule 32 petition, would be procedurally barred as stemming from an untimely, successive petition, and because they could have been raised at trial or on direct appeal. Ala.R.Crim.P. Rule 32.2 (a)(3),(5), (b), (c). See also Ex parte State (v. Lockett), 644 So. 2d 34 (Ala. 1994) (after the Court of Criminal Appeals directed trial court to return mistyled "habeas corpus" petition to defendant for resubmission as a Rule 32 petition, the Alabama Supreme reversed that judgment: "The claims raised in Lockett's petition for a writ of habeas corpus could have been raised on direct appeal; therefore those claims are clearly precluded under Rule 32, A.R.Crim.P., and the trial court did not err in summarily dismissing the petition. Because Lockett's claims are clearly precluded under Rule 32, there is no need to remand for an opportunity to file a proper Rule 32 petition.").

7. Because the petition before this Court seeks Rule 32 relief, Reno has erroneously named Barber and others as respondents, rather than the State of Alabama alone. Each of these defendants would be entitled to state immunity and, in the cases Barber, prosecutorial immunity, if Reno's petition was somehow construed to seek relief beyond Rule 32. E.g., Ex parte Carter, 395 So .2d 65 (Ala. 1980); Jones v. Benton, 373 So. 2d 307, 309-310 (Ala. 1979); Almon v. Gibbs, 545 So. 2d 18, 20 (Ala. 1989).

#### CONCLUSION

For these reasons, this Court should dismiss Reno's "\*Pursuant to The Code of Ala. 1975

Title 15 'PLAINTIFF PETITION FOR THE ISSUANCE OF WRIT OF HABEAS CORPUS' § 15-21-24

through § 15-21-34"

Respectfully submitted,

LUTHER STRANGE ATTORNEY GENERAL

/s/ Benjamin H. Albritton
Benjamin H. Albritton ( ALB008 )
ASSISTANT ATTORNEY GENERAL

## **CERTIFICATE OF SERVICE**

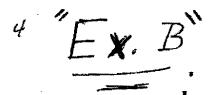
I hereby certify that I have this 22<sup>nd</sup> day of February, 2011, served a copy of the foregoing by first-class United States Mail, postage prepaid and addressed upon the following:

Larry Earl Reno, AIS# 112580 Bibb Correctional Facility 565 Bibb Lane Brent, AL 35034

/s/ Benjamin H. Albritton
Benjamin H. Albritton
ASSISTANT ATTORNEY GENERAL

#### ADDRESS OF COUNSEL:

Office of the Attorney General 501 Washington Avenue Montgomery, Alabama 36130-0152 334-242-7300 334-242-2433 (Fax)





### IN THE CIRCUIT COURT OF BIBB COUNTY, ALABAMA

RENO LARRY EARL #112580, Plaintiff,	}
V.	Case No.: CV-2011-000035.00
THOMAS WILLIE, WARDEN, Defendant.	<b>)</b>
	ORDER

UPON A REVIEW OF THE FILE, THE RECORD INDICATES THIS MATTER INVOLVES A PETITION FOR HABEAS CORPUS RELIEF AGAINST THE DEPARTMENT OF CORRECTIONS, AND HAVING CONSIDERED THE SAME, IT IS ORDERED, ADJUDGED AND DECREED THIS CASE IS TRANSFERRED TO THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA.

DONE this 21st day of July, 2011.

/s/ HON. MARVIN W. WIGGINS CIRCUIT JUDGE

Case 7:16-cv-00890-VEH-JEO Document 1 Filed 05/31/16 Page 19 of 28

CIRCUIT COURT OF
MONTGOMERY COUNTY ALABAMA
FLORENCE CAUTHEN, CLERK

# IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

RENO LARRY EARL, Plaintiff,	$=\frac{EX.C}{}$
v.	) Case No.: CV-2011-000907.00
THOMAS WILLIE WARDEN, Defendant,	
	ORDER
This matter is hereby set Wednesday the Montgomery County Courthouse.	, October 19, 2011 at 10:00AM in Courtroom 3C of
DONE this 9th day of August, 2011.	
·	WILLIAM A SHASHY

CIRCUIT JUDGE

## IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

LARRY EARL RENO, AIS #112580,	)
*	)
Petitioner,	)
• •	) Case No. CV-2011-907
VS.	)
	) 4 - 01
WARDEN WILLIE THOMAS,	FX,D
Desnondent	

# MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION TO CONVERT AND TRANSFER

Comes now the Respondent, by and through undersigned counsel, and moves that this Petition for Writ of Habeas Corpus be denied and dismissed, or in the alternative, converted to a Rule 32 Petition and transferred to Jefferson County Circuit Court based upon the following:

1. Petitioner does not state a claim upon which relief can be granted under a writ of habeas corpus. The Petitioner is alleging violations concerning his conviction and/or sentence out of Jefferson County, Alabama, which must be filed according to Rule 32, A. R. Crim. P., not a petition for writ of habeas corpus. There is no relief available to the Petitioner under this complaint.

WHEREFORE, the premises considered, this Petition for Writ of Habeas Corpus is due to be denied and dismissed, or in the alternative, converted to a Rule 32 Petition and transferred to Jefferson County and that cost be assessed against the Petitioner.

Respectfully submitted,

Luther Strange Attorney General

Anne A. Hill (ADA054) General Counsel

/s/ Bart Harmon
Bart Harmon (HAR127)
Assistant Attorney General

## ADDRESS OF COUNSEL:

Alabama Department of Corrections Legal Division Post Office Box 301501 Montgomery, Alabama 36130 (334) 353-4859

### **CERTIFICATE OF SERVICE**

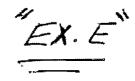
I hereby certify that on the 17<sup>th</sup> day of October, 2011, I electronically filed the foregoing with the Clerk of the Court through ALAFILE e-filing system which will send notification of such filing to the following (or by U.S. Mail to the non-electronic participants):

Inmate Larry E. Reno #112580 Bibb Correctional Facility 565 Bibb Lane Brent, Alabama 35034-4040

/s/ Bart Harmon
Bart Harmon (HAR127)
Assistant Attorney General



## AlaFile E-Notice



.03-CV-2011-000907.00 Judge: WILLIAM A. SHASHY

To: RENO LARRY EARL (PRO SE) AIS #112580 565 BIBB LANE BRENT, AL 35034

# NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

LARRY EARL RENO #112580 V WILLIE THOMAS WARDEN 03-CV-2011-000907.00

A court action was entered in the above case on 10/27/2011 3:58:35 PM

CHANGE OF VENUE/TRANSFER Filer: HARMON BART GREGORY)

Disposition:

GRANTED

Judge:

WAS

Notice Date:

10/27/2011 3:58:35 PM

FLORENCE CAUTHEN CIRCUIT COURT CLERK MONTGOMERY COUNTY, ALABAMA 251 S. LAWRENCE STREET MONTGOMERY, AL 36104

334-832-4950



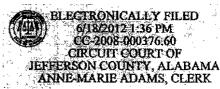
# IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

RENO LARRY EARL,	)
Plaintiff,	)
-	)
V.	) Case No.: CV-2011-000907.00
	<b>)</b>
THOMAS WILLIE WARDEN,	)
Defendant.	)
	ORDER.

MOTION FOR CHANGE OF VENUE/TRANSFER filed by THOMAS WILLIE WARDEN is hereby GRANTED and Transferred to Circuit Court of Jefferson County, Alabama.

DONE this 27th day of October, 2011.

/s/ WILLIAM A. SHASHY CIRCUIT JUDGE



# IN THE CIRCUIT COURT, TENTH JUDICIAL CIRCUIT JEFFERSON COUNTY, ALABAMA CRIMINAL DIVISION

LARRY EARL RENO,	)		EX.F
Petitioner,	)		* ************************************
	)	CASE NO.	CC 2008-376.60
vs.	)		
	)		
STATE OF ALABAMA,	)		
	)		
Respondent.	)		

### MOTION TO DISM'SS RULE 32 PETITION

COMES NOW the State of Alabama, by and through Brandon Falls, District Attorney for the Tenth Judicial Circuit, Jefferson County, Alabama and says in response to the petition heretofore filed the following:

- Respondent respectfully requests this Honorable Court take judicial notice of its own records in the above referenced case.
- 2. The State of Alabama denies each and every allegation in Petitioner's motion jointly and severally and demands strict proof thereof.
- 3. Petitioner was convicted of Robbery First Degree on June 10, 2008 and sentenced to 85 years in prison on August 1, 2008. No appeal was filed. Petitioner is precluded from relief by operation of law because more than two years have elapsed since the time the conviction became final. Rule 32.2(c), Alabama Rules of Criminal Procedure.
- 4. Petitioner originally filed his petition in the Bibb County Circuit Court as a habeas corpus petition which was subsequently transferred to the Circuit Court of

Jefferson County. Because the relief requested can only be obtained through a Rule 32 petition, the State was directed to treat it as a Rule 32 petition and respond accordingly.

- 5. Petitioner is precluded from relief by operation of law as his claim could have been raised at trial. Rule 32.2(a)(3), Alabama Rules of Criminal Procedure.
- 6. Without waiving the aforementioned procedural bars, Respondent denies Petitioner's claim that the arrest warrant issued against him was fatally defective in that it is based on the affiant's opinion or conclusion and fails to state facts tending to establish the commission of the offense or probable cause that he committed the offense.

Petitioner's challenge to the validity of the arrest warrant is a non-jurisdictional claim and is precluded by the procedural bars of Rule 32.2(c), Alabama Rules of Criminal Procedure. Sumlin v. State, 710 So.2d 941 (Ala.Crim.App. 1998). This claim is also precluded because it could have been, but was not, raised at trial. Scroggins v. State, 827 So. 2d 878 (Ala.Crim.App. 2001). Furthermore, Petitioner's claim that the arrest warrant does not state sufficient facts to establish the commission of an offense is false. The arrest warrant (attached as an exhibit to Petitioner's motion) clearly states that the Petitioner committed a theft of \$8,048.00 from Compass Bankshares, Inc. while armed with a deadly weapon, to-wit: a pistol.

7. Respondent avers that no material issue of law or fact exists which would entitle the Petitioner to relief under Rule 32, and that no purpose would be served by any further proceedings. Rule 32.7, Alabama Rules of Criminal Procedure.

WHEREFORE, PREMISES CONSIDERED, and in consideration of Rule 32.7(d), ALA.R.CRIM.P., Respondent, the State of Alabama, respectfully moves this

Honorable Court to dismiss the above styled petition without an evidentiary hearing.

Respectfully submitted this the 18th day of June 2012.

& F. Brady Rigdon

F. Brady Rigdon Deputy District Attorney

Office of the District Attorney 801 R. Arrington Blvd. No. Birmingham, AL 35203 PHONE: (205) 325-5252 FACSIMILE: (205) 325-5266

**CERTIFICATE OF SERVICE** 

I hereby certify that I have served a copy of the above and foregoing via electronic filing or by placing same in the U. S. Mail, postage prepaid on the 18<sup>th</sup> day of June 2012 as follows:

Larry Earl Reno AIS# 112580 E3-21A Bibb County Correctional Facility 565 Bibb Lane Brent, AL 35034

s 7. Brady Rigdon

F. Brady Rigdon Deputy District Attorney Case 7:16-cv-00890-VEH-JEO Document 1 Filed 05/31/16 Page 27 of 28

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CC-2008-000376 60

CIRCUIT COURT OF

IEFFERSON COUNTY, ALABAMA
ANNE-MARIE ADAMS, CLERK

# IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA BIRMINGHAM DIVISION

STATE OF ALABAMA	)	
V.	) Case No.:	CC-2008-000376.60
RENO LARRY	)	
Defendant,	)	EX.G"

#### ORDER

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2001). Furthermore, Petitioner's claim that the arrest warrant does not state sufficient facts to

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Petitioner's motion) clearly states that the Petitioner committed a theft of \$8,048.00 from

Compass Bankshares, Inc. while armed with a deadly weapon, to-wit: a pistol.

There are no material issue's of law or fact which would entitle the Petitioner to relief

under Rule 32, and that no purpose would be served by any further proceedings. Rule 32.7,

Alabama Rules of Criminal Procedure.

WHEREFORE, PREMISES CONSIDERED, and in consideration of Rule 32.7(d),

Ala.R.Crim.P., The State of Alabama's Motion to dismiss is granted with costs taxed to

Petitioner.

DONE this 28th day of June, 2012.

/s/ TOMMY NAIL CIRCUIT JUDGE